

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3005
OFFERED BY MR. THOMAS

Strike all after the enacting clause and insert the following:

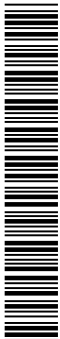
1 SECTION 1. SHORT TITLE AND FINDINGS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Bipartisan Trade Promotion Authority Act of 2001”.

4 (b) FINDINGS.—The Congress makes the following
5 findings:

6 (1) The expansion of international trade is vital
7 to the national security of the United States. Trade
8 is critical to the economic growth and strength of
9 the United States and to its leadership in the world.
10 Stable trading relationships promote security and
11 prosperity. Trade agreements today serve the same
12 purposes that security pacts played during the Cold
13 War, binding nations together through a series of
14 mutual rights and obligations. Leadership by the
15 United States in international trade fosters open
16 markets, democracy, and peace throughout the
17 world.

18 (2) The national security of the United States
19 depends on its economic security, which in turn is
20 founded upon a vibrant and growing industrial base.



1 Trade expansion has been the engine of economic
2 growth. Trade agreements maximize opportunities
3 for the critical sectors and building blocks of the
4 economy of the United States, such as information
5 technology, telecommunications and other leading
6 technologies, basic industries, capital equipment,
7 medical equipment, services, agriculture, environ-
8 mental technology, and intellectual property. Trade
9 will create new opportunities for the United States
10 and preserve the unparalleled strength of the United
11 States in economic, political, and military affairs.
12 The United States, secured by expanding trade and
13 economic opportunities, will meet the challenges of
14 the twenty-first century.

15 **SEC. 2. TRADE NEGOTIATING OBJECTIVES.**

16 (a) OVERALL TRADE NEGOTIATING OBJECTIVES.—
17 The overall trade negotiating objectives of the United
18 States for agreements subject to the provisions of section
19 3 are—

20 (1) to obtain more open, equitable, and recip-
21 rocal market access;

22 (2) to obtain the reduction or elimination of
23 barriers and distortions that are directly related to
24 trade and that decrease market opportunities for



1 United States exports or otherwise distort United
2 States trade;

3 (3) to further strengthen the system of inter-
4 national trading disciplines and procedures, includ-
5 ing dispute settlement;

6 (4) to foster economic growth, raise living
7 standards, and promote full employment in the
8 United States and to enhance the global economy;

9 (5) to ensure that trade and environmental poli-
10 cies are mutually supportive and to seek to protect
11 and preserve the environment and enhance the inter-
12 national means of doing so, while optimizing the use
13 of the world's resources; and

14 (6) to promote respect for worker rights and
15 the rights of children consistent with core labor
16 standards of the International Labor Organization
17 (as defined in section 10(2)) and an understanding
18 of the relationship between trade and worker rights.

19 (b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

20 (1) TRADE BARRIERS AND DISTORTIONS.—The
21 principal negotiating objectives of the United States
22 regarding trade barriers and other trade distortions
23 are—

24 (A) to expand competitive market opportu-
25 nities for United States exports and to obtain



1 fairer and more open conditions of trade by re-
2 ducing or eliminating tariff and nontariff bar-
3 riers and policies and practices of foreign gov-
4 ernments directly related to trade that decrease
5 market opportunities for United States exports
6 or otherwise distort United States trade; and

7 (B) to obtain reciprocal tariff and non-
8 tariff barrier elimination agreements, with par-
9 ticular attention to those tariff categories cov-
10 ered in section 111(b) of the Uruguay Round
11 Agreements Act (19 U.S.C. 3521(b)).

12 (2) TRADE IN SERVICES.—The principal negoti-
13 ating objective of the United States regarding trade
14 in services is to reduce or eliminate barriers to inter-
15 national trade in services, including regulatory and
16 other barriers that deny national treatment and
17 market access or unreasonably restrict the establish-
18 ment or operations of service suppliers.

19 (3) FOREIGN INVESTMENT.—The principal ne-
20 gotiating objective of the United States regarding
21 foreign investment is to reduce or eliminate artificial
22 or trade-distorting barriers to trade-related foreign
23 investment by—

24 (A) reducing or eliminating exceptions to
25 the principle of national treatment;



1 (B) freeing the transfer of funds relating
2 to investments;

3 (C) reducing or eliminating performance
4 requirements, forced technology transfers, and
5 other unreasonable barriers to the establish-
6 ment and operation of investments;

7 (D) seeking to establish standards for ex-
8 propriation and compensation for expropriation,
9 consistent with United States legal principles
10 and practice;

11 (E) providing meaningful procedures for
12 resolving investment disputes; and

13 (F) seeking to improve mechanisms used
14 to resolve disputes between an investor and a
15 government through—

16 (i) mechanisms to eliminate frivolous
17 claims;

18 (ii) procedures to ensure the efficient
19 selection of arbitrators and the expeditious
20 disposition of claims; and

21 (iii) procedures to increase trans-
22 parency in investment disputes.

23 (4) INTELLECTUAL PROPERTY.—The principal
24 negotiating objectives of the United States regarding
25 trade-related intellectual property are—



1 (A) to further promote adequate and effec-
2 tive protection of intellectual property rights,
3 including through—

4 (i)(I) ensuring accelerated and full
5 implementation of the Agreement on
6 Trade-Related Aspects of Intellectual
7 Property Rights referred to in section
8 101(d)(15) of the Uruguay Round Agree-
9 ments Act (19 U.S.C. 3511(d)(15)), par-
10 ticularly with respect to meeting enforce-
11 ment obligations under that agreement;
12 and

13 (II) ensuring that the provisions of
14 any multilateral or bilateral trade agree-
15 ment governing intellectual property rights
16 that is entered into by the United States
17 reflect a standard of protection similar to
18 that found in United States law;

19 (ii) providing strong protection for
20 new and emerging technologies and new
21 methods of transmitting and distributing
22 products embodying intellectual property;

23 (iii) preventing or eliminating dis-
24 crimination with respect to matters affect-
25 ing the availability, acquisition, scope,



1 maintenance, use, and enforcement of in-
2 tellectual property rights;

3 (iv) ensuring that standards of protec-
4 tion and enforcement keep pace with tech-
5 nological developments, and in particular
6 ensuring that rightholders have the legal
7 and technological means to control the use
8 of their works through the Internet and
9 other global communication media, and to
10 prevent the unauthorized use of their
11 works; and

12 (v) providing strong enforcement of
13 intellectual property rights, including
14 through accessible, expeditious, and effec-
15 tive civil, administrative, and criminal en-
16 forcement mechanisms; and

17 (B) to secure fair, equitable, and non-
18 discriminatory market access opportunities for
19 United States persons that rely upon intellec-
20 tual property protection.

21 (5) TRANSPARENCY.—The principal negotiating
22 objective of the United States with respect to trans-
23 parency is to obtain wider and broader application
24 of the principle of transparency through—



1 (A) increased and more timely public ac-
2 cess to information regarding trade issues and
3 the activities of international trade institutions;

4 (B) increased openness at the WTO and
5 other international trade fora by increasing
6 public access to appropriate meetings, pro-
7 ceedings, and submissions, including with re-
8 gard to dispute settlement and investment; and

9 (C) increased and more timely public ac-
10 cess to all notifications and supporting docu-
11 mentation submitted by parties to the WTO.

12 (6) IMPROVEMENT OF THE WTO AND MULTI-
13 LATERAL TRADE AGREEMENTS.—The principal ne-
14 gotiating objectives of the United States regarding
15 the improvement of the World Trade Organization,
16 the Uruguay Round Agreements, and other multilat-
17 eral and bilateral trade agreements are—

18 (A) to achieve full implementation and ex-
19 tend the coverage of the World Trade Organiza-
20 tion and such agreements to products, sectors,
21 and conditions of trade not adequately covered;
22 and

23 (B) to expand country participation in and
24 enhancement of the Information Technology
25 Agreement and other trade agreements.



1 (7) REGULATORY PRACTICES.—The principal
2 negotiating objectives of the United States regarding
3 the use of government regulation or other practices
4 by foreign governments to provide a competitive ad-
5 vantage to their domestic producers, service pro-
6 viders, or investors and thereby reduce market ac-
7 cess for United States goods, services, and invest-
8 ments are—

9 (A) to achieve increased transparency and
10 opportunity for the participation of affected
11 parties in the development of regulations;

12 (B) to require that proposed regulations be
13 based on sound science, cost-benefit analysis,
14 risk assessment, or other objective evidence;

15 (C) to establish consultative mechanisms
16 among parties to trade agreements to promote
17 increased transparency in developing guidelines,
18 rules, regulations, and laws for government pro-
19 curement and other regulatory regimes; and

20 (D) to achieve the elimination of govern-
21 ment measures such as price controls and ref-
22 erence pricing which deny full market access for
23 United States products.



1 (8) ELECTRONIC COMMERCE.—The principal
2 negotiating objectives of the United States with re-
3 spect to electronic commerce are—

4 (A) to ensure that current obligations,
5 rules, disciplines, and commitments under the
6 World Trade Organization apply to electronic
7 commerce;

8 (B) to ensure that—

9 (i) electronically delivered goods and
10 services receive no less favorable treatment
11 under trade rules and commitments than
12 like products delivered in physical form;
13 and

14 (ii) the classification of such goods
15 and services ensures the most liberal trade
16 treatment possible;

17 (C) to ensure that governments refrain
18 from implementing trade-related measures that
19 impede electronic commerce;

20 (D) where legitimate policy objectives re-
21 quire domestic regulations that affect electronic
22 commerce, to obtain commitments that any
23 such regulations are the least restrictive on
24 trade, nondiscriminatory, and transparent, and
25 promote an open market environment; and



1 (E) to extend the moratorium of the World
2 Trade Organization on duties on electronic
3 transmissions.

4 (9) RECIPROCAL TRADE IN AGRICULTURE.—(A)
5 The principal negotiating objective of the United
6 States with respect to agriculture is to obtain com-
7 petitive opportunities for United States exports of
8 agricultural commodities in foreign markets substan-
9 tially equivalent to the competitive opportunities af-
10 farded foreign exports in United States markets and
11 to achieve fairer and more open conditions of trade
12 in bulk, specialty crop, and value-added commodities
13 by—

14 (i) reducing or eliminating, by a date cer-
15 tain, tariffs or other charges that decrease mar-
16 ket opportunities for United States exports—

17 (I) giving priority to those products
18 that are subject to significantly higher tar-
19 iffs or subsidy regimes of major producing
20 countries; and

21 (II) providing reasonable adjustment
22 periods for United States import-sensitive
23 products, in close consultation with the
24 Congress on such products before initiating
25 tariff reduction negotiations;



1 (ii) reducing tariffs to levels that are the
2 same as or lower than those in the United
3 States;

4 (iii) reducing or eliminating subsidies that
5 decrease market opportunities for United States
6 exports or unfairly distort agriculture markets
7 to the detriment of the United States;

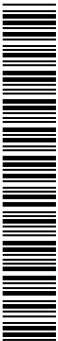
8 (iv) allowing the preservation of programs
9 that support family farms and rural commu-
10 nities but do not distort trade;

11 (v) developing disciplines for domestic sup-
12 port programs, so that production that is in ex-
13 cess of domestic food security needs is sold at
14 world prices;

15 (vi) eliminating Government policies that
16 create price-depressing surpluses;

17 (vii) eliminating state trading enterprises
18 whenever possible;

19 (viii) developing, strengthening, and clari-
20 fying rules and effective dispute settlement
21 mechanisms to eliminate practices that unfairly
22 decrease United States market access opportu-
23 nities or distort agricultural markets to the det-
24 riment of the United States, particularly with



1 respect to import-sensitive products,
2 including—

3 (I) unfair or trade-distorting activities
4 of state trading enterprises and other ad-
5 ministrative mechanisms, with emphasis on
6 requiring price transparency in the oper-
7 ation of state trading enterprises and such
8 other mechanisms in order to end cross
9 subsidization, price discrimination, and
10 price undercutting;

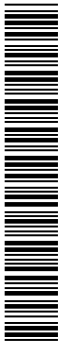
11 (II) unjustified trade restrictions or
12 commercial requirements, such as labeling,
13 that affect new technologies, including bio-
14 technology;

15 (III) unjustified sanitary or
16 phytosanitary restrictions, including those
17 not based on scientific principles in con-
18 travention of the Uruguay Round Agree-
19 ments;

20 (IV) other unjustified technical bar-
21 riers to trade; and

22 (V) restrictive rules in the administra-
23 tion of tariff rate quotas;

24 (ix) eliminating practices that adversely af-
25 fect trade in perishable or cyclical products,



1 while improving import relief mechanisms to
2 recognize the unique characteristics of perish-
3 able and cyclical agriculture;

4 (x) ensuring that the use of import relief
5 mechanisms for perishable and cyclical agri-
6 culture are as accessible and timely to growers
7 in the United States as those mechanisms that
8 are used by other countries;

9 (xi) taking into account whether a party to
10 the negotiations has failed to adhere to the pro-
11 visions of already existing trade agreements
12 with the United States or has circumvented ob-
13 ligations under those agreements;

14 (xii) taking into account whether a product
15 is subject to market distortions by reason of a
16 failure of a major producing country to adhere
17 to the provisions of already existing trade
18 agreements with the United States or by the
19 circumvention by that country of its obligations
20 under those agreements;

21 (xiii) otherwise ensuring that countries
22 that accede to the World Trade Organization
23 have made meaningful market liberalization
24 commitments in agriculture;

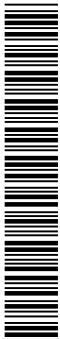


1 (xiv) taking into account the impact that
2 agreements covering agriculture to which the
3 United States is a party, including the North
4 American Free Trade Agreement, have on the
5 United States agricultural industry; and

6 (xv) maintaining bona fide food assistance
7 programs and preserving United States market
8 development and export credit programs.

9 (B)(i) Before commencing negotiations with re-
10 spect to agriculture, the United States Trade Rep-
11 resentative, in consultation with the Congress, shall
12 seek to develop a position on the treatment of sea-
13 sonal and perishable agricultural products to be em-
14 ployed in the negotiations in order to develop an
15 international consensus on the treatment of seasonal
16 or perishable agricultural products in investigations
17 relating to dumping and safeguards and in any other
18 relevant area.

19 (ii) During any negotiations on agricultural
20 subsidies, the United States Trade Representative
21 shall seek to establish the common base year for cal-
22 culating the Aggregated Measurement of Support
23 (as defined in the Agreement on Agriculture) as the
24 end of each country's Uruguay Round implementa-



1 tion period, as reported in each country's Uruguay
2 Round market access schedule.

3 (iii) The negotiating objective provided in sub-
4 paragraph (A) applies with respect to agricultural
5 matters to be addressed in any trade agreement en-
6 tered into under section 3(a) or (b), including any
7 trade agreement entered into under section 3(a) or
8 (b) that provides for accession to a trade agreement
9 to which the United States is already a party, such
10 as the North American Free Trade Agreement and
11 the United States-Canada Free Trade Agreement.

12 (10) LABOR AND THE ENVIRONMENT.—The
13 principal negotiating objectives of the United States
14 with respect to labor and the environment are—

15 (A) to ensure that a party to a trade
16 agreement with the United States does not fail
17 to effectively enforce its environmental or labor
18 laws, through a sustained or recurring course of
19 action or inaction, in a manner affecting trade
20 between the United States and that party after
21 entry into force of a trade agreement between
22 those countries;

23 (B) to recognize that parties to a trade
24 agreement retain the right to exercise discretion
25 with respect to investigatory, prosecutorial, reg-



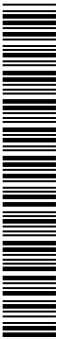
1 ulatory, and compliance matters and to make
2 decisions regarding the allocation of resources
3 to enforcement with respect to other labor or
4 environmental matters determined to have high-
5 er priorities, and to recognize that a country is
6 effectively enforcing its laws if a course of ac-
7 tion or inaction reflects a reasonable exercise of
8 such discretion, or results from a bona fide de-
9 cision regarding the allocation of resources;

10 (C) to strengthen the capacity of United
11 States trading partners to promote respect for
12 core labor standards (as defined in section
13 10(2));

14 (D) to strengthen the capacity of United
15 States trading partners to protect the environ-
16 ment through the promotion of sustainable de-
17 velopment;

18 (E) to reduce or eliminate government
19 practices or policies that unduly threaten sus-
20 tainable development;

21 (F) to seek market access, through the
22 elimination of tariffs and nontariff barriers, for
23 United States environmental technologies,
24 goods, and services; and



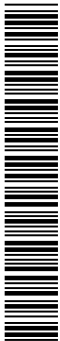
1 (G) to ensure that labor, environmental,
2 health, or safety policies and practices of the
3 parties to trade agreements with the United
4 States do not arbitrarily or unjustifiably dis-
5 criminate against United States exports or
6 serve as disguised barriers to trade.

7 (11) DISPUTE SETTLEMENT AND ENFORCE-
8 MENT.—The principal negotiating objectives of the
9 United States with respect to dispute settlement and
10 enforcement of trade agreements are—

11 (A) to seek provisions in trade agreements
12 providing for resolution of disputes between
13 governments under those trade agreements in
14 an effective, timely, transparent, equitable, and
15 reasoned manner, requiring determinations
16 based on facts and the principles of the agree-
17 ments, with the goal of increasing compliance
18 with the agreements;

19 (B) to seek to strengthen the capacity of
20 the Trade Policy Review Mechanism of the
21 World Trade Organization to review compliance
22 with commitments;

23 (C) to seek provisions encouraging the
24 early identification and settlement of disputes
25 through consultation;



1 (D) to seek provisions to encourage the
2 provision of trade-expanding compensation if a
3 party to a dispute under the agreement does
4 not come into compliance with its obligations
5 under the agreement;

6 (E) to seek provisions to impose a penalty
7 upon a party to a dispute under the agreement
8 that—

9 (i) encourages compliance with the ob-
10 ligations of the agreement;

11 (ii) is appropriate to the parties, na-
12 ture, subject matter, and scope of the vio-
13 lation; and

14 (iii) has the aim of not adversely af-
15 fecting parties or interests not party to the
16 dispute while maintaining the effectiveness
17 of the enforcement mechanism; and

18 (F) to seek provisions that treat United
19 States principal negotiating objectives equally
20 with respect to—

21 (i) the ability to resort to dispute set-
22 tlement under the applicable agreement;

23 (ii) the availability of equivalent dis-
24 pute settlement procedures; and



1 (iii) the availability of equivalent rem-
2 edies.

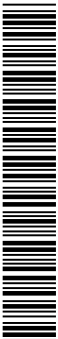
3 (12) WTO EXTENDED NEGOTIATIONS.—The
4 principal negotiating objectives of the United States
5 regarding trade in civil aircraft are those set forth
6 in section 135(c) of the Uruguay Round Agreements
7 Act (19 U.S.C. 3355(c)) and regarding rules of ori-
8 gin are the conclusion of an agreement described in
9 section 132 of that Act (19 U.S.C. 3552).

10 (c) PROMOTION OF CERTAIN PRIORITIES.—In order
11 to address and maintain United States competitiveness in
12 the global economy, the President shall—

13 (1) seek greater cooperation between the WTO
14 and the ILO;

15 (2) seek to establish consultative mechanisms
16 among parties to trade agreements to strengthen the
17 capacity of United States trading partners to pro-
18 mote respect for core labor standards (as defined in
19 section 10(2)), and report to the Committee on
20 Ways and Means of the House of Representatives
21 and the Committee on Finance of the Senate on the
22 content and operation of such mechanisms;

23 (3) seek to establish consultative mechanisms
24 among parties to trade agreements to strengthen the
25 capacity of United States trading partners to de-

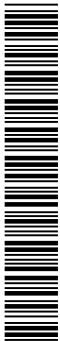


1 velop and implement standards for the protection of
2 the environment and human health based on sound
3 science, and report to the Committee on Ways and
4 Means of the House of Representatives and the
5 Committee on Finance of the Senate on the content
6 and operation of such mechanisms;

7 (4) conduct environmental reviews of future
8 trade and investment agreements, consistent with
9 Executive Order 13141 of November 16, 1999 and
10 its relevant guidelines, and report to the Committee
11 on Ways and Means of the House of Representatives
12 and the Committee on Finance of the Senate on
13 such reviews;

14 (5) review the impact of future trade agree-
15 ments on United States employment, modeled after
16 Executive Order 13141, and report to the Com-
17 mittee on Ways and Means of the House of Rep-
18 resentatives and the Committee on Finance of the
19 Senate on such review;

20 (6) take into account other legitimate United
21 States domestic objectives including, but not limited
22 to, the protection of legitimate health or safety, es-
23 sential security, and consumer interests and the law
24 and regulations related thereto;



1 (7) have the Secretary of Labor consult with
2 any country seeking a trade agreement with the
3 United States concerning that country's labor laws
4 and provide technical assistance to that country if
5 needed;

6 (8) with respect to any trade agreement which
7 the President seeks to implement under trade au-
8 thorities procedures, submit to the Congress a report
9 describing the extent to which the country or coun-
10 tries that are parties to the agreement have in effect
11 laws governing exploitative child labor;

12 (9) preserve the ability of the United States to
13 enforce rigorously its trade laws, including the anti-
14 dumping and countervailing duty laws, and avoid
15 agreements which lessen the effectiveness of domes-
16 tic and international disciplines on unfair trade, es-
17 pecially dumping and subsidies, in order to ensure
18 that United States workers, agricultural producers,
19 and firms can compete fully on fair terms and enjoy
20 the benefits of reciprocal trade concessions;

21 (10) continue to promote consideration of mul-
22 tilateral environmental agreements and consult with
23 parties to such agreements regarding the consistency
24 of any such agreement that includes trade measures



1 with existing environmental exceptions under Article
2 XX of the GATT 1994; and

3 (11) report to the Committee on Ways and
4 Means of the House of Representatives and the
5 Committee on Finance of the Senate, not later than
6 12 months after the imposition of a penalty or rem-
7 edy by the United States permitted by a trade agree-
8 ment to which this Act applies, on the effectiveness
9 of the penalty or remedy applied under United
10 States law in enforcing United States rights under
11 the trade agreement.

12 The report under paragraph (11) shall address whether
13 the penalty or remedy was effective in changing the behav-
14 ior of the targeted party and whether the penalty or rem-
15 edy had any adverse impact on parties or interests not
16 party to the dispute.

17 (d) CONSULTATIONS.—

18 (1) CONSULTATIONS WITH CONGRESSIONAL AD-
19 VISERS.—In the course of negotiations conducted
20 under this Act, the United States Trade Representa-
21 tive shall consult closely and on a timely basis with,
22 and keep fully apprised of the negotiations, the Con-
23 gressional Oversight Group convened under section 7
24 and all committees of the House of Representatives
25 and the Senate with jurisdiction over laws that



1 would be affected by a trade agreement resulting
2 from the negotiations.

3 (2) CONSULTATION BEFORE AGREEMENT INI-
4 TIALED.—In the course of negotiations conducted
5 under this Act, the United States Trade Representa-
6 tive shall—

7 (A) consult closely and on a timely basis
8 (including immediately before initialing an
9 agreement) with, and keep fully apprised of the
10 negotiations, the congressional advisers for
11 trade policy and negotiations appointed under
12 section 161 of the Trade Act of 1974 (19
13 U.S.C. 2211), the Committee on Ways and
14 Means of the House of Representatives, the
15 Committee on Finance of the Senate, and the
16 Congressional Oversight Group convened under
17 section 7; and

18 (B) with regard to any negotiations and
19 agreement relating to agricultural trade, also
20 consult closely and on a timely basis (including
21 immediately before initialing an agreement)
22 with, and keep fully apprised of the negotia-
23 tions, the Committee on Agriculture of the
24 House of Representatives and the Committee



1 on Agriculture, Nutrition, and Forestry of the
2 Senate.

3 (e) ADHERENCE TO OBLIGATIONS UNDER URUGUAY
4 ROUND AGREEMENTS.—In determining whether to enter
5 into negotiations with a particular country, the President
6 shall take into account the extent to which that country
7 has implemented, or has accelerated the implementation
8 of, its obligations under the Uruguay Round Agreements.

9 **SEC. 3. TRADE AGREEMENTS AUTHORITY.**

10 (a) AGREEMENTS REGARDING TARIFF BARRIERS.—

11 (1) IN GENERAL.—Whenever the President de-
12 termines that one or more existing duties or other
13 import restrictions of any foreign country or the
14 United States are unduly burdening and restricting
15 the foreign trade of the United States and that the
16 purposes, policies, priorities, and objectives of this
17 Act will be promoted thereby, the President—

18 (A) may enter into trade agreements with
19 foreign countries before—

20 (i) June 1, 2005; or

21 (ii) June 1, 2007, if trade authorities
22 procedures are extended under subsection
23 (c); and

24 (B) may, subject to paragraphs (2) and
25 (3), proclaim—



- 1 (i) such modification or continuance
2 of any existing duty,
3 (ii) such continuance of existing duty-
4 free or excise treatment, or
5 (iii) such additional duties,
6 as the President determines to be required or
7 appropriate to carry out any such trade agree-
8 ment.

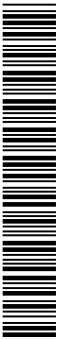
9 The President shall notify the Congress of the Presi-
10 dent's intention to enter into an agreement under
11 this subsection.

12 (2) LIMITATIONS.—No proclamation may be
13 made under paragraph (1) that—

14 (A) reduces any rate of duty (other than a
15 rate of duty that does not exceed 5 percent ad
16 valorem on the date of the enactment of this
17 Act) to a rate of duty which is less than 50 per-
18 cent of the rate of such duty that applies on
19 such date of enactment; or

20 (B) increases any rate of duty above the
21 rate that applied on the date of the enactment
22 of this Act.

23 (3) AGGREGATE REDUCTION; EXEMPTION FROM
24 STAGING.—



1 (A) AGGREGATE REDUCTION.—Except as
2 provided in subparagraph (B), the aggregate re-
3 duction in the rate of duty on any article which
4 is in effect on any day pursuant to a trade
5 agreement entered into under paragraph (1)
6 shall not exceed the aggregate reduction which
7 would have been in effect on such day if—

8 (i) a reduction of 3 percent ad valo-
9 rem or a reduction of one-tenth of the total
10 reduction, whichever is greater, had taken
11 effect on the effective date of the first re-
12 duction proclaimed under paragraph (1) to
13 carry out such agreement with respect to
14 such article; and

15 (ii) a reduction equal to the amount
16 applicable under clause (i) had taken effect
17 at 1-year intervals after the effective date
18 of such first reduction.

19 (B) EXEMPTION FROM STAGING.—No
20 staging is required under subparagraph (A)
21 with respect to a duty reduction that is pro-
22 claimed under paragraph (1) for an article of a
23 kind that is not produced in the United States.
24 The United States International Trade Com-
25 mission shall advise the President of the iden-



1 tity of articles that may be exempted from stag-
2 ing under this subparagraph.

3 (4) ROUNDING.—If the President determines
4 that such action will simplify the computation of re-
5 ductions under paragraph (3), the President may
6 round an annual reduction by an amount equal to
7 the lesser of—

8 (A) the difference between the reduction
9 without regard to this paragraph and the next
10 lower whole number; or

11 (B) one-half of 1 percent ad valorem.

12 (5) OTHER LIMITATIONS.—A rate of duty re-
13 duction that may not be proclaimed by reason of
14 paragraph (2) may take effect only if a provision au-
15 thorizing such reduction is included within an imple-
16 menting bill provided for under section 5 and that
17 bill is enacted into law.

18 (6) OTHER TARIFF MODIFICATIONS.—Notwith-
19 standing paragraphs (1)(B) and (2) through (5),
20 and subject to the consultation and layover require-
21 ments of section 115 of the Uruguay Round Agree-
22 ments Act, the President may proclaim the modifica-
23 tion of any duty or staged rate reduction of any duty
24 set forth in Schedule XX, as defined in section 2(5)
25 of that Act, if the United States agrees to such



1 modification or staged rate reduction in a negotia-
2 tion for the reciprocal elimination or harmonization
3 of duties under the auspices of the World Trade Or-
4 ganization.

5 (7) AUTHORITY UNDER URUGUAY ROUND
6 AGREEMENTS ACT NOT AFFECTED.—Nothing in this
7 subsection shall limit the authority provided to the
8 President under section 111(b) of the Uruguay
9 Round Agreements Act (19 U.S.C. 3521(b)).

10 (b) AGREEMENTS REGARDING TARIFF AND NON-
11 TARIFF BARRIERS.—

12 (1) IN GENERAL.—(A) Whenever the President
13 determines that—

14 (i) one or more existing duties or any other
15 import restriction of any foreign country or the
16 United States or any other barrier to, or other
17 distortion of, international trade unduly bur-
18 dens or restricts the foreign trade of the United
19 States or adversely affects the United States
20 economy; or

21 (ii) the imposition of any such barrier or
22 distortion is likely to result in such a burden,
23 restriction, or effect;

24 and that the purposes, policies, priorities, and objec-
25 tives of this Act will be promoted thereby, the Presi-



1 dent may enter into a trade agreement described in
2 subparagraph (B) during the period described in
3 subparagraph (C).

4 (B) The President may enter into a trade
5 agreement under subparagraph (A) with foreign
6 countries providing for—

7 (i) the reduction or elimination of a duty,
8 restriction, barrier, or other distortion described
9 in subparagraph (A), or

10 (ii) the prohibition of, or limitation on the
11 imposition of, such barrier or other distortion.

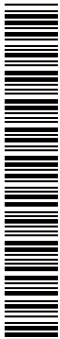
12 (C) The President may enter into a trade
13 agreement under this paragraph before—

14 (i) June 1, 2005; or

15 (ii) June 1, 2007, if trade authorities pro-
16 cedures are extended under subsection (c).

17 (2) CONDITIONS.—A trade agreement may be
18 entered into under this subsection only if such
19 agreement makes progress in meeting the applicable
20 objectives described in section 2(a) and (b) and the
21 President satisfies the conditions set forth in section
22 4.

23 (3) BILLS QUALIFYING FOR TRADE AUTHORI-
24 TIES PROCEDURES.—(A) The provisions of section
25 151 of the Trade Act of 1974 (in this Act referred



1 to as “trade authorities procedures”) apply to a bill
2 of either House of Congress which contains provi-
3 sions described in subparagraph (B) to the same ex-
4 tent as such section 151 applies to implementing
5 bills under that section. A bill to which this para-
6 graph applies shall hereafter in this Act be referred
7 to as an “implementing bill”.

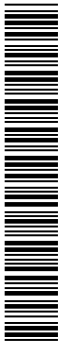
8 (B) The provisions referred to in subparagraph
9 (A) are—

10 (i) a provision approving a trade agree-
11 ment entered into under this subsection and ap-
12 proving the statement of administrative action,
13 if any, proposed to implement such trade agree-
14 ment; and

15 (ii) if changes in existing laws or new statu-
16 tory authority are required to implement such
17 trade agreement or agreements, provisions, nec-
18 essary or appropriate to implement such trade
19 agreement or agreements, either repealing or
20 amending existing laws or providing new statu-
21 tory authority.

22 (c) EXTENSION DISAPPROVAL PROCESS FOR CON-
23 GRESSIONAL TRADE AUTHORITIES PROCEDURES.—

24 (1) IN GENERAL.—Except as provided in sec-
25 tion 5(b)—



1 (A) the trade authorities procedures apply
2 to implementing bills submitted with respect to
3 trade agreements entered into under subsection
4 (b) before July 1, 2005; and

5 (B) the trade authorities procedures shall
6 be extended to implementing bills submitted
7 with respect to trade agreements entered into
8 under subsection (b) after June 30, 2005, and
9 before July 1, 2007, if (and only if)—

10 (i) the President requests such exten-
11 sion under paragraph (2); and

12 (ii) neither House of the Congress
13 adopts an extension disapproval resolution
14 under paragraph (5) before June 1, 2005.

15 (2) REPORT TO CONGRESS BY THE PRESI-
16 DENT.—If the President is of the opinion that the
17 trade authorities procedures should be extended to
18 implementing bills described in paragraph (1)(B),
19 the President shall submit to the Congress, not later
20 than March 1, 2005, a written report that contains
21 a request for such extension, together with—

22 (A) a description of all trade agreements
23 that have been negotiated under subsection (b)
24 and the anticipated schedule for submitting
25 such agreements to the Congress for approval;



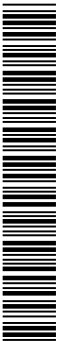
1 (B) a description of the progress that has
2 been made in negotiations to achieve the pur-
3 poses, policies, priorities, and objectives of this
4 Act, and a statement that such progress justi-
5 fies the continuation of negotiations; and

6 (C) a statement of the reasons why the ex-
7 tension is needed to complete the negotiations.

8 (3) REPORT TO CONGRESS BY THE ADVISORY
9 COMMITTEE.—The President shall promptly inform
10 the Advisory Committee for Trade Policy and Nego-
11 tiations established under section 135 of the Trade
12 Act of 1974 (19 U.S.C. 2155) of the President's de-
13 cision to submit a report to the Congress under
14 paragraph (2). The Advisory Committee shall submit
15 to the Congress as soon as practicable, but not later
16 than May 1, 2005, a written report that contains—

17 (A) its views regarding the progress that
18 has been made in negotiations to achieve the
19 purposes, policies, priorities, and objectives of
20 this Act; and

21 (B) a statement of its views, and the rea-
22 sons therefor, regarding whether the extension
23 requested under paragraph (2) should be ap-
24 proved or disapproved.



1 (4) STATUS OF REPORTS.—The reports sub-
2 mitted to the Congress under paragraphs (2) and
3 (3), or any portion of such reports, may be classified
4 to the extent the President determines appropriate.

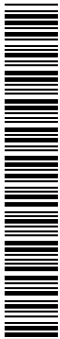
5 (5) EXTENSION DISAPPROVAL RESOLUTIONS.—

6 (A) For purposes of paragraph (1), the term “exten-
7 sion disapproval resolution” means a resolution of
8 either House of the Congress, the sole matter after
9 the resolving clause of which is as follows: “That the
10 _____ disapproves the request of the President for
11 the extension, under section 3(c)(1)(B)(i) of the Bi-
12 partisan Trade Promotion Authority Act of 2001, of
13 the trade authorities procedures under that Act to
14 any implementing bill submitted with respect to any
15 trade agreement entered into under section 3(b) of
16 that Act after June 30, 2005.”, with the blank space
17 being filled with the name of the resolving House of
18 the Congress.

19 (B) Extension disapproval resolutions—

20 (i) may be introduced in either House of
21 the Congress by any member of such House;
22 and

23 (ii) shall be referred, in the House of Rep-
24 resentatives, to the Committee on Ways and



1 Means and, in addition, to the Committee on
2 Rules.

3 (C) The provisions of sections 152(d) and (e) of
4 the Trade Act of 1974 (19 U.S.C. 2192(d) and (e))
5 (relating to the floor consideration of certain resolu-
6 tions in the House and Senate) apply to extension
7 disapproval resolutions.

8 (D) It is not in order for—

9 (i) the Senate to consider any extension
10 disapproval resolution not reported by the Com-
11 mittee on Finance;

12 (ii) the House of Representatives to con-
13 sider any extension disapproval resolution not
14 reported by the Committee on Ways and Means
15 and, in addition, by the Committee on Rules; or

16 (iii) either House of the Congress to con-
17 sider an extension disapproval resolution after
18 June 30, 2005.

19 (d) COMMENCEMENT OF NEGOTIATIONS.—In order
20 to contribute to the continued economic expansion of the
21 United States, the President shall commence negotiations
22 covering tariff and nontariff barriers affecting any indus-
23 try, product, or service sector, and expand existing sec-
24 toral agreements to countries that are not parties to those
25 agreements, in cases where the President determines that



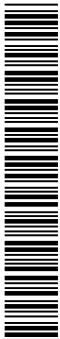
1 such negotiations are feasible and timely and would ben-
2 efit the United States. Such sectors include agriculture,
3 commercial services, intellectual property rights, industrial
4 and capital goods, government procurement, information
5 technology products, environmental technology and serv-
6 ices, medical equipment and services, civil aircraft, and in-
7 frastructure products. In so doing, the President shall
8 take into account all of the principal negotiating objectives
9 set forth in section 2(b).

10 **SEC. 4. CONSULTATIONS AND ASSESSMENT.**

11 (a) NOTICE AND CONSULTATION BEFORE NEGOTIA-
12 TION.—The President, with respect to any agreement that
13 is subject to the provisions of section 3(b), shall—

14 (1) provide, at least 90 calendar days before
15 initiating negotiations, written notice to the Con-
16 gress of the President's intention to enter into the
17 negotiations and set forth therein the date the Presi-
18 dent intends to initiate such negotiations, the spe-
19 cific United States objectives for the negotiations,
20 and whether the President intends to seek an agree-
21 ment, or changes to an existing agreement; and

22 (2) before and after submission of the notice,
23 consult regarding the negotiations with the Com-
24 mittee on Finance of the Senate and the Committee
25 on Ways and Means of the House of Representa-



1 tives, such other committees of the House and Sen-
2 ate as the President deems appropriate, and the
3 Congressional Oversight group convened under sec-
4 tion 7.

5 (b) NEGOTIATIONS REGARDING AGRICULTURE.—Be-
6 fore initiating or continuing negotiations the subject mat-
7 ter of which is directly related to the subject matter under
8 section 2(b)(9)(A)(i) with any country, the President shall
9 assess whether United States tariffs on agricultural prod-
10 ucts that were bound under the Uruguay Round Agree-
11 ments are lower than the tariffs bound by that country.
12 In addition, the President shall consider whether the tariff
13 levels bound and applied throughout the world with re-
14 spect to imports from the United States are higher than
15 United States tariffs and whether the negotiation provides
16 an opportunity to address any such disparity. The Presi-
17 dent shall consult with the Committee on Ways and Means
18 and the Committee on Agriculture of the House of Rep-
19 resentatives and the Committee on Finance and the Com-
20 mittee on Agriculture, Nutrition, and Forestry of the Sen-
21 ate concerning the results of the assessment, whether it
22 is appropriate for the United States to agree to further
23 tariff reductions based on the conclusions reached in the
24 assessment, and how all applicable negotiating objectives
25 will be met.



1 (c) CONSULTATION WITH CONGRESS BEFORE
2 AGREEMENTS ENTERED INTO.—

3 (1) CONSULTATION.—Before entering into any
4 trade agreement under section 3(b), the President
5 shall consult with—

6 (A) the Committee on Ways and Means of
7 the House of Representatives and the Com-
8 mittee on Finance of the Senate;

9 (B) each other committee of the House
10 and the Senate, and each joint committee of the
11 Congress, which has jurisdiction over legislation
12 involving subject matters which would be af-
13 fected by the trade agreement; and

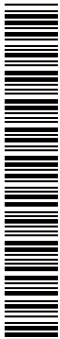
14 (C) the Congressional Oversight Group
15 convened under section 7.

16 (2) SCOPE.—The consultation described in
17 paragraph (1) shall include consultation with respect
18 to—

19 (A) the nature of the agreement;

20 (B) how and to what extent the agreement
21 will achieve the applicable purposes, policies,
22 priorities, and objectives of this Act; and

23 (C) the implementation of the agreement
24 under section 5, including the general effect of
25 the agreement on existing laws.

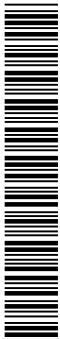


1 (d) ADVISORY COMMITTEE REPORTS.—The report
2 required under section 135(e)(1) of the Trade Act of 1974
3 regarding any trade agreement entered into under section
4 3(a) or (b) of this Act shall be provided to the President,
5 the Congress, and the United States Trade Representative
6 not later than 30 days after the date on which the Presi-
7 dent notifies the Congress under section 3(a)(1) or
8 5(a)(1)(A) of the President’s intention to enter into the
9 agreement.

10 (e) ITC ASSESSMENT.—

11 (1) IN GENERAL.—The President, at least 90
12 calendar days before the day on which the President
13 enters into a trade agreement under section 3(b),
14 shall provide the International Trade Commission
15 (referred to in this subsection as “the Commission”)
16 with the details of the agreement as it exists at that
17 time and request the Commission to prepare and
18 submit an assessment of the agreement as described
19 in paragraph (2). Between the time the President
20 makes the request under this paragraph and the
21 time the Commission submits the assessment, the
22 President shall keep the Commission current with
23 respect to the details of the agreement.

24 (2) ITC ASSESSMENT.—Not later than 90 cal-
25 endar days after the President enters into the agree-



1 ment, the Commission shall submit to the President
2 and the Congress a report assessing the likely im-
3 pact of the agreement on the United States economy
4 as a whole and on specific industry sectors, includ-
5 ing the impact the agreement will have on the gross
6 domestic product, exports and imports, aggregate
7 employment and employment opportunities, the pro-
8 duction, employment, and competitive position of in-
9 dustries likely to be significantly affected by the
10 agreement, and the interests of United States con-
11 sumers.

12 (3) REVIEW OF EMPIRICAL LITERATURE.—In
13 preparing the assessment, the Commission shall re-
14 view available economic assessments regarding the
15 agreement, including literature regarding any sub-
16 stantially equivalent proposed agreement, and shall
17 provide in its assessment a description of the anal-
18 yses used and conclusions drawn in such literature,
19 and a discussion of areas of consensus and diver-
20 gence between the various analyses and conclusions,
21 including those of the Commission regarding the
22 agreement.

23 **SEC. 5. IMPLEMENTATION OF TRADE AGREEMENTS.**

24 (a) IN GENERAL.—



1 (1) NOTIFICATION AND SUBMISSION.—Any
2 agreement entered into under section 3(b) shall
3 enter into force with respect to the United States if
4 (and only if)—

5 (A) the President, at least 90 calendar
6 days before the day on which the President en-
7 ters into the trade agreement, notifies the
8 House of Representatives and the Senate of the
9 President's intention to enter into the agree-
10 ment, and promptly thereafter publishes notice
11 of such intention in the Federal Register;

12 (B) within 60 days after entering into the
13 agreement, the President submits to the Con-
14 gress a description of those changes to existing
15 laws that the President considers would be re-
16 quired in order to bring the United States into
17 compliance with the agreement;

18 (C) after entering into the agreement, the
19 President submits to the Congress a copy of the
20 final legal text of the agreement, together
21 with—

22 (i) a draft of an implementing bill de-
23 scribed in section 3(b)(3);



1 (ii) a statement of any administrative
2 action proposed to implement the trade
3 agreement; and

4 (iii) the supporting information de-
5 scribed in paragraph (2); and

6 (D) the implementing bill is enacted into
7 law.

8 (2) SUPPORTING INFORMATION.—The sup-
9 porting information required under paragraph
10 (1)(C)(iii) consists of—

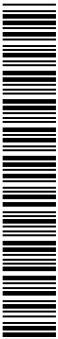
11 (A) an explanation as to how the imple-
12 menting bill and proposed administrative action
13 will change or affect existing law; and

14 (B) a statement—

15 (i) asserting that the agreement
16 makes progress in achieving the applicable
17 purposes, policies, priorities, and objectives
18 of this Act; and

19 (ii) setting forth the reasons of the
20 President regarding—

21 (I) how and to what extent the
22 agreement makes progress in achiev-
23 ing the applicable purposes, policies,
24 and objectives referred to in clause (i);



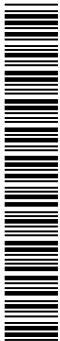
1 (II) whether and how the agree-
2 ment changes provisions of an agree-
3 ment previously negotiated;

4 (III) how the agreement serves
5 the interests of United States com-
6 merce;

7 (IV) how the implementing bill
8 meets the standards set forth in sec-
9 tion 3(b)(3); and

10 (V) how and to what extent the
11 agreement makes progress in achiev-
12 ing the applicable purposes, policies,
13 and objectives referred to in section
14 2(c) regarding the promotion of cer-
15 tain priorities.

16 (3) RECIPROCAL BENEFITS.—In order to en-
17 sure that a foreign country that is not a party to a
18 trade agreement entered into under section 3(b)
19 does not receive benefits under the agreement unless
20 the country is also subject to the obligations under
21 the agreement, the implementing bill submitted with
22 respect to the agreement shall provide that the bene-
23 fits and obligations under the agreement apply only
24 to the parties to the agreement, if such application
25 is consistent with the terms of the agreement. The



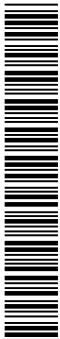
1 implementing bill may also provide that the benefits
2 and obligations under the agreement do not apply
3 uniformly to all parties to the agreement, if such ap-
4 plication is consistent with the terms of the agree-
5 ment.

6 (b) LIMITATIONS ON TRADE AUTHORITIES PROCE-
7 DURES.—

8 (1) FOR LACK OF NOTICE OR CONSULTA-
9 TIONS.—

10 (A) IN GENERAL.—The trade authorities
11 procedures shall not apply to any implementing
12 bill submitted with respect to a trade agreement
13 entered into under section 3(b) if during the
14 60-day period beginning on the date that one
15 House of Congress agrees to a procedural dis-
16 approval resolution for lack of notice or con-
17 sultations with respect to that trade agreement,
18 the other House separately agrees to a proce-
19 dural disapproval resolution with respect to that
20 agreement.

21 (B) PROCEDURAL DISAPPROVAL RESOLU-
22 TION.—For purposes of this paragraph, the
23 term “procedural disapproval resolution” means
24 a resolution of either House of Congress, the
25 sole matter after the resolving clause of which



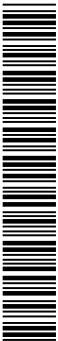
1 is as follows: “That the President has failed or
2 refused to notify or consult (as the case may
3 be) with Congress in accordance with section 4
4 or 5 of the Bipartisan Trade Promotion Au-
5 thority Act of 2001 on negotiations with respect
6 to _____ and, therefore, the trade au-
7 thorities procedures under that Act shall not
8 apply to any implementing bill submitted with
9 respect to that trade agreement.”, with the
10 blank space being filled with a description of
11 the trade agreement with respect to which the
12 President is considered to have failed or refused
13 to notify or consult.

14 (2) PROCEDURES FOR CONSIDERING RESOLU-
15 TIONS.—(A) Procedural disapproval resolutions—

16 (i) in the House of Representatives—

17 (I) shall be introduced by the chair-
18 man or ranking minority member of the
19 Committee on Ways and Means or the
20 chairman or ranking minority member of
21 the Committee on Rules;

22 (II) shall be referred to the Com-
23 mittee on Ways and Means and, in addi-
24 tion, to the Committee on Rules; and



1 (III) may not be amended by either
2 Committee; and

3 (ii) in the Senate shall be original resolu-
4 tions of the Committee on Finance.

5 (B) The provisions of section 152(d) and (e) of
6 the Trade Act of 1974 (19 U.S.C. 2192(d) and (e))
7 (relating to the floor consideration of certain resolu-
8 tions in the House and Senate) apply to procedural
9 disapproval resolutions.

10 (C) It is not in order for the House of Rep-
11 resentatives to consider any procedural disapproval
12 resolution not reported by the Committee on Ways
13 and Means and, in addition, by the Committee on
14 Rules.

15 (c) RULES OF HOUSE OF REPRESENTATIVES AND
16 SENATE.—Subsection (b) of this section and section 3(c)
17 are enacted by the Congress—

18 (1) as an exercise of the rulemaking power of
19 the House of Representatives and the Senate, re-
20 spectively, and as such are deemed a part of the
21 rules of each House, respectively, and such proce-
22 dures supersede other rules only to the extent that
23 they are inconsistent with such other rules; and

24 (2) with the full recognition of the constitu-
25 tional right of either House to change the rules (so



1 far as relating to the procedures of that House) at
2 any time, in the same manner, and to the same ex-
3 tent as any other rule of that House.

4 **SEC. 6. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR**
5 **WHICH NEGOTIATIONS HAVE ALREADY**
6 **BEGUN.**

7 (a) CERTAIN AGREEMENTS.—Notwithstanding sec-
8 tion 3(b)(2), if an agreement to which section 3(b)
9 applies—

10 (1) is entered into under the auspices of the
11 World Trade Organization,

12 (2) is entered into with Chile,

13 (3) is entered into with Singapore, or

14 (4) establishes a Free Trade Area for the
15 Americas,

16 and results from negotiations that were commenced before
17 the date of the enactment of this Act, subsection (b) shall
18 apply.

19 (b) TREATMENT OF AGREEMENTS.—In the case of
20 any agreement to which subsection (a) applies—

21 (1) the applicability of the trade authorities
22 procedures to implementing bills shall be determined
23 without regard to the requirements of section 4(a)
24 (relating only to 90 days notice prior to initiating
25 negotiations), and any procedural disapproval resolu-



1 tion under section 5(b)(1)(B) shall not be in order
2 on the basis of a failure or refusal to comply with
3 the provisions of section 4(a); and

4 (2) the President shall, as soon as feasible after
5 the enactment of this Act—

6 (A) notify the Congress of the negotiations
7 described in subsection (a), the specific United
8 States objectives in the negotiations, and
9 whether the President is seeking a new agree-
10 ment or changes to an existing agreement; and

11 (B) before and after submission of the no-
12 tice, consult regarding the negotiations with the
13 committees referred to in section 4(a)(2) and
14 the Congressional Oversight Group.

15 **SEC. 7. CONGRESSIONAL OVERSIGHT GROUP.**

16 (a) MEMBERS AND FUNCTIONS.—

17 (1) IN GENERAL.—By not later than 60 days
18 after the date of the enactment of this Act, and not
19 later than 30 days after the convening of each Con-
20 gress, the chairman of the Committee on Ways and
21 Means of the House of Representatives and the
22 chairman of the Committee on Finance of the Sen-
23 ate shall convene the Congressional Oversight
24 Group.



1 (2) MEMBERSHIP FROM THE HOUSE.—In each
2 Congress, the Congressional Oversight Group shall
3 be comprised of the following Members of the House
4 of Representatives:

5 (A) The chairman and ranking member of
6 the Committee on Ways and Means, and 3 ad-
7 ditional members of such Committee (not more
8 than 2 of whom are members of the same polit-
9 ical party).

10 (B) The chairman and ranking member, or
11 their designees, of the committees of the House
12 of Representatives which would have, under the
13 Rules of the House of Representatives, jurisdic-
14 tion over provisions of law affected by a trade
15 agreement negotiations for which are conducted
16 at any time during that Congress and to which
17 this Act would apply.

18 (3) MEMBERSHIP FROM THE SENATE.—In each
19 Congress, the Congressional Oversight Group shall
20 also be comprised of the following members of the
21 Senate:

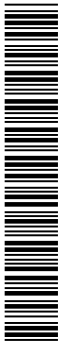
22 (A) The chairman and ranking Member of
23 the Committee on Finance and 3 additional
24 members of such Committee (not more than 2



1 of whom are members of the same political
2 party).

3 (B) The chairman and ranking member, or
4 their designees, of the committees of the Senate
5 which would have, under the Rules of the Sen-
6 ate, jurisdiction over provisions of law affected
7 by a trade agreement negotiations for which are
8 conducted at any time during that Congress
9 and to which this Act would apply.

10 (4) ACCREDITATION.—Each member of the
11 Congressional Oversight Group described in para-
12 graph (2)(A) and (3)(A) shall be accredited by the
13 United States Trade Representative on behalf of the
14 President as official advisers to the United States
15 delegation in negotiations for any trade agreement
16 to which this Act applies. Each member of the Con-
17 gressional Oversight Group described in paragraph
18 (2)(B) and (3)(B) shall be accredited by the United
19 States Trade Representative on behalf of the Presi-
20 dent as official advisers to the United States delega-
21 tion in the negotiations by reason of which the mem-
22 ber is in the Congressional Oversight Group. The
23 Congressional Oversight Group shall consult with
24 and provide advice to the Trade Representative re-
25 garding the formulation of specific objectives, negoti-



1 ating strategies and positions, the development of
2 the applicable trade agreement, and compliance and
3 enforcement of the negotiated commitments under
4 the trade agreement.

5 (5) CHAIR.—The Congressional Oversight
6 Group shall be chaired by the Chairman of the Com-
7 mittee on Ways and Means of the House of Rep-
8 resentatives and the Chairman of the Committee on
9 Finance of the Senate.

10 (b) GUIDELINES.—

11 (1) PURPOSE AND REVISION.—The United
12 States Trade Representative, in consultation with
13 the chairmen and ranking minority members of the
14 Committee on Ways and Means of the House of
15 Representatives and the Committee on Finance of
16 the Senate—

17 (A) shall, within 120 days after the date of
18 the enactment of this Act, develop written
19 guidelines to facilitate the useful and timely ex-
20 change of information between the Trade Rep-
21 resentative and the Congressional Oversight
22 Group established under this section; and

23 (B) may make such revisions to the guide-
24 lines as may be necessary from time to time.



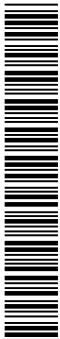
1 (2) CONTENT.—The guidelines developed under
2 paragraph (1) shall provide for, among other
3 things—

4 (A) regular, detailed briefings of the Con-
5 gressional Oversight Group regarding negoti-
6 ating objectives, including the promotion of cer-
7 tain priorities referred to in section 2(c), and
8 positions and the status of the applicable nego-
9 tiations, beginning as soon as practicable after
10 the Congressional Oversight Group is convened,
11 with more frequent briefings as trade negotia-
12 tions enter the final stage;

13 (B) access by members of the Congres-
14 sional Oversight Group, and staff with proper
15 security clearances, to pertinent documents re-
16 lating to the negotiations, including classified
17 materials;

18 (C) the closest practicable coordination be-
19 tween the Trade Representative and the Con-
20 gressional Oversight Group at all critical peri-
21 ods during the negotiations, including at nego-
22 tiation sites; and

23 (D) after the applicable trade agreement is
24 concluded, consultation regarding ongoing com-



1 pliance and enforcement of negotiated commit-
2 ments under the trade agreement.

3 **SEC. 8. ADDITIONAL IMPLEMENTATION AND ENFORCE-**
4 **MENT REQUIREMENTS.**

5 (a) IN GENERAL.—At the time the President submits
6 to the Congress the final text of an agreement pursuant
7 to section 5(a)(1)(C), the President shall also submit a
8 plan for implementing and enforcing the agreement. The
9 implementation and enforcement plan shall include the fol-
10 lowing:

11 (1) BORDER PERSONNEL REQUIREMENTS.—A
12 description of additional personnel required at bor-
13 der entry points, including a list of additional cus-
14 toms and agricultural inspectors.

15 (2) AGENCY STAFFING REQUIREMENTS.—A de-
16 scription of additional personnel required by Federal
17 agencies responsible for monitoring and imple-
18 menting the trade agreement, including personnel
19 required by the Office of the United States Trade
20 Representative, the Department of Commerce, the
21 Department of Agriculture (including additional per-
22 sonnel required to implement sanitary and
23 phytosanitary measures in order to obtain market
24 access for United States exports), the Department of



1 the Treasury, and such other agencies as may be
2 necessary.

3 (3) CUSTOMS INFRASTRUCTURE REQUIRE-
4 MENTS.—A description of the additional equipment
5 and facilities needed by the United States Customs
6 Service.

7 (4) IMPACT ON STATE AND LOCAL GOVERN-
8 MENTS.—A description of the impact the trade
9 agreement will have on State and local governments
10 as a result of increases in trade.

11 (5) COST ANALYSIS.—An analysis of the costs
12 associated with each of the items listed in para-
13 graphs (1) through (4).

14 (b) BUDGET SUBMISSION.—The President shall in-
15 clude a request for the resources necessary to support the
16 plan described in subsection (a) in the first budget that
17 the President submits to the Congress after the submis-
18 sion of the plan.

19 **SEC. 9. CONFORMING AMENDMENTS.**

20 (a) IN GENERAL.—Title I of the Trade Act of 1974
21 (19 U.S.C. 2111 et seq.) is amended as follows:

22 (1) IMPLEMENTING BILL.—

23 (A) Section 151(b)(1) (19 U.S.C.
24 2191(b)(1)) is amended by striking “section
25 1103(a)(1) of the Omnibus Trade and Competi-



1 tiveness Act of 1988, or section 282 of the Uru-
2 guay Round Agreements Act” and inserting
3 “section 282 of the Uruguay Round Agree-
4 ments Act, or section 5(a)(1) of the Bipartisan
5 Trade Promotion Authority Act of 2001”.

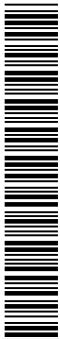
6 (B) Section 151(c)(1) (19 U.S.C.
7 2191(c)(1)) is amended by striking “or section
8 282 of the Uruguay Round Agreements Act”
9 and inserting “, section 282 of the Uruguay
10 Round Agreements Act, or section 5(a)(1) of
11 the Bipartisan Trade Promotion Authority Act
12 of 2001”.

13 (2) ADVICE FROM INTERNATIONAL TRADE COM-
14 MISSION.—Section 131 (19 U.S.C. 2151) is
15 amended—

16 (A) in subsection (a)—

17 (i) in paragraph (1), by striking “sec-
18 tion 123 of this Act or section 1102 (a) or
19 (c) of the Omnibus Trade and Competitive-
20 ness Act of 1988,” and inserting “section
21 123 of this Act or section 3(a) or (b) of
22 the Bipartisan Trade Promotion Authority
23 Act of 2001,”; and

24 (ii) in paragraph (2), by striking “sec-
25 tion 1102 (b) or (c) of the Omnibus Trade



1 and Competitiveness Act of 1988” and in-
2 serting “section 3(b) of the Bipartisan
3 Trade Promotion Authority Act of 2001”;
4 (B) in subsection (b), by striking “section
5 1102(a)(3)(A)” and inserting “section
6 3(a)(3)(A) of the Bipartisan Trade Promotion
7 Authority Act of 2001” before the end period;
8 and

9 (C) in subsection (c), by striking “section
10 1102 of the Omnibus Trade and Competitive-
11 ness Act of 1988,” and inserting “section 3 of
12 the Bipartisan Trade Promotion Authority Act
13 of 2001,”.

14 (3) HEARINGS AND ADVICE.—Sections 132,
15 133(a), and 134(a) (19 U.S.C. 2152, 2153(a), and
16 2154(a)) are each amended by striking “section
17 1102 of the Omnibus Trade and Competitiveness
18 Act of 1988,” each place it appears and inserting
19 “section 3 of the Bipartisan Trade Promotion Au-
20 thority Act of 2001,”.

21 (4) PREREQUISITES FOR OFFERS.—Section
22 134(b) (19 U.S.C. 2154(b)) is amended by striking
23 “section 1102 of the Omnibus Trade and Competi-
24 tiveness Act of 1988” and inserting “section 3 of the



1 Bipartisan Trade Promotion Authority Act of
2 2001”.

3 (5) ADVICE FROM PRIVATE AND PUBLIC SEC-
4 TORS.—Section 135 (19 U.S.C. 2155) is amended—

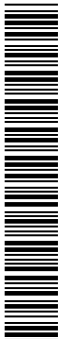
5 (A) in subsection (a)(1)(A), by striking
6 “section 1102 of the Omnibus Trade and Com-
7 petitiveness Act of 1988” and inserting “section
8 3 of the Bipartisan Trade Promotion Authority
9 Act of 2001”;

10 (B) in subsection (e)(1)—

11 (i) by striking “section 1102 of the
12 Omnibus Trade and Competitiveness Act
13 of 1988” each place it appears and insert-
14 ing “section 3 of the Bipartisan Trade
15 Promotion Authority Act of 2001”; and

16 (ii) by striking “section 1103(a)(1)(A)
17 of such Act of 1988” and inserting “sec-
18 tion 5(a)(1)(A) of the Bipartisan Trade
19 Promotion Authority Act of 2001”; and

20 (C) in subsection (e)(2), by striking “sec-
21 tion 1101 of the Omnibus Trade and Competi-
22 tiveness Act of 1988” and inserting “section 2
23 of the Bipartisan Trade Promotion Authority
24 Act of 2001”.



1 (6) TRANSMISSION OF AGREEMENTS TO CON-
2 GRESS.—Section 162(a) (19 U.S.C. 2212(a)) is
3 amended by striking “or under section 1102 of the
4 Omnibus Trade and Competitiveness Act of 1988”
5 and inserting “or under section 3 of the Bipartisan
6 Trade Promotion Authority Act of 2001”.

7 (b) APPLICATION OF CERTAIN PROVISIONS.—For
8 purposes of applying sections 125, 126, and 127 of the
9 Trade Act of 1974 (19 U.S.C. 2135, 2136(a), and
10 2137)—

11 (1) any trade agreement entered into under sec-
12 tion 3 shall be treated as an agreement entered into
13 under section 101 or 102, as appropriate, of the
14 Trade Act of 1974 (19 U.S.C. 2111 or 2112); and

15 (2) any proclamation or Executive order issued
16 pursuant to a trade agreement entered into under
17 section 3 shall be treated as a proclamation or Exec-
18 utive order issued pursuant to a trade agreement en-
19 tered into under section 102 of the Trade Act of
20 1974.

21 **SEC. 10. DEFINITIONS.**

22 In this Act:

23 (1) AGREEMENT ON AGRICULTURE.—The term
24 “Agreement on Agriculture” means the agreement



1 referred to in section 101(d)(2) of the Uruguay
2 Round Agreements Act (19 U.S.C. 3511(d)(2)).

3 (2) CORE LABOR STANDARDS.—The term “core
4 labor standards” means—

5 (A) the right of association;

6 (B) the right to organize and bargain col-
7 lectively;

8 (C) a prohibition on the use of any form
9 of forced or compulsory labor;

10 (D) a minimum age for the employment of
11 children; and

12 (E) acceptable conditions of work with re-
13 spect to minimum wages, hours of work, and
14 occupational safety and health.

15 (3) GATT 1994.—The term “GATT 1994” has
16 the meaning given that term in section 2 of the Uru-
17 guay Round Agreements Act (19 U.S.C. 3501).

18 (4) ILO.—The term “ILO” means the Inter-
19 national Labor Organization.

20 (5) UNITED STATES PERSON.—The term
21 “United States person” means—

22 (A) a United States citizen;

23 (B) a partnership, corporation, or other
24 legal entity organized under the laws of the
25 United States; and



1 (C) a partnership, corporation, or other
2 legal entity that is organized under the laws of
3 a foreign country and is controlled by entities
4 described in subparagraph (B) or United States
5 citizens, or both.

6 (6) URUGUAY ROUND AGREEMENTS.—The term
7 “Uruguay Round Agreements” has the meaning
8 given that term in section 2(7) of the Uruguay
9 Round Agreements Act (19 U.S.C. 3501(7)).

10 (7) WORLD TRADE ORGANIZATION; WTO.—The
11 terms “World Trade Organization” and “WTO”
12 mean the organization established pursuant to the
13 WTO Agreement.

14 (8) WTO AGREEMENT.—The term “WTO
15 Agreement” means the Agreement Establishing the
16 World Trade Organization entered into on April 15,
17 1994.

